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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,956	10/01/2003	Suzanne Zebedee	323-100US D	9260
7590	08/15/2006			EXAMINER LUCAS, ZACHARIAH
Joseph E. Mueth, Esq. Joseph E. Mueth Law Corporation 8th Floor 225 South Lake Avenue Pasadena, CA 91101			ART UNIT 1648	PAPER NUMBER
DATE MAILED: 08/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

DATE MAILED:

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Commissioner for Patents

Please find the enclosed Sequence Compliance Letter.

1. Along with the Response filed on June 30, 2006, the Applicant additionally filed both a Substitute Specification, and new versions of both the paper copy and CRF copy of a Sequence listing.

Specification

2. The substitute specification filed June 30, 2006 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the specification does not show the changes in the application relative to the immediately prior version of the application.

The submitted Substitute Specification does not show the deletion of the Title of the invention from the first page of the specification. It also does not show the paragraphs substituted into page 4 in the amendment of 10/17/05, and indicates that the amendment to page 5 on that date were not made and are being newly made in the substitute specification (page 10 of the Sub Spec).

The clean copy of the Substitute Specification does not include the Title at all.

3. The specification is objected to for containing referring to sequences without also identifying them by the sequence identifier assigned to them in the sequence listing as required by 37 CFR 1.821(d). See, p. Figures 9-19, and, pages 2, 4, 10, 11, 13, 14, 18, 27, and 36; and in pages 20, 31, 33-37, and 39 of the amendment of February 2006. The examiner would like to bring the applicant's attention to the following excerpt from MPEP §2422.03:

37 CFR 1.821(d) requires the use of the assigned sequence identifier in all instances where the description or claims of a patent application discuss sequences regardless of whether a given sequence is also embedded in the text of the description or claims of an application. This requirement is also intended to permit references, in both the description and claims, to sequences set forth in the "Sequence Listing" by the use of assigned sequence identifiers without repeating

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the sequence in the text of the description or claims. Sequence identifiers can also be used to discuss and/or claim parts or fragments of a properly presented sequence. For example, language such as "residues 14 to 243 of SEQ ID NO:23" is permissible and the fragment need not be separately presented in the "Sequence Listing." Where a sequence is embedded in the text of an application, it must be presented in a manner that complies with the requirements of the sequence rules.

The applicant is therefore required to amend the specification to comply with 37 CFR 1.821(d).

Sequence Listing

4. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. **The Applicant does not include in the sequence listing the protein sequence disclosed in Figure 9.** The application provides only a single listing for the sequences in Figure 9: SEQ ID NO: 30. SEQ ID NO: 30 is the nucleotide sequence of the Figure. There is no corresponding SEQ ID NO for the disclosed amino acid sequence as is required under 37 CFR 1.821 (a) and (c), which indicates that "Each sequence disclosed must appear separately in the "Sequence Listing." Each sequence set forth in the "Sequence Listing" must be assigned a separate sequence identifier." As there is no separate sequence identifier provided for the amino acid sequence of Figure 9, the application has not satisfied the sequence requirements.

It appears that similar deficiencies are present with respect to the sequences of Figures 11-13.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachariah Lucas whose telephone number is 571-272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Z. Lucas 8/10/06
Patent Examiner